

RESPONSE TO THE RESTRICTION REQUIREMENT

Applicants provisionally elect, with traverse, the claims of Group I, claims 1-13, 17-21 and 22-27 drawn to a method of playing a four-part wagering game classified in Class 273, subclass 292.

SUMMARY OF THE OFFICE ACTION

Claims 1-45, all of the claims in the application have been artificially divided into 2 groups of claims:

The claims of Group I, claims 1-13, 17-21 and 22-27 drawn to a method of playing a four-part wagering game classified in Class 273, subclass 292; and

The claims of Group II, claims 14-16, and 28-45 drawn to a method of playing a three-part wagering game, also classified in Class 273, subclass 292.

TRAVERSAL OF RESTRICTION

As a first basis of traversing this restriction requirement, it is to be noted that the complete set of claims, 1-45, has already been examined on its merits without any difficulty by the PTO. At a minimum, the PTO has already acknowledged that the entire set of claims can be examined at one time.

Additionally, the fact that the two sets of claims are classified in the same class and subclass is indicative of a strong relationship, not the “recognized divergent subject matter” alluded to, but not evidenced, in the restriction requirement.

Furthermore, as indicated above, the basis of the restriction, that the claims represent “recognized divergent subject matter” is merely alluded to, but not evidenced, in the restriction requirement. To support the restriction requirement, there must be in fact some substantive basis for the assertion. Without this evidence, the restriction requirement is insufficient as a matter of law.

Still furthermore, the claims are truly representative of generic and subgeneric inventions. The second group (Group II) represent a game with three wagering steps, and claims of the first group (Group I) represents claims with the same three wagering steps and a fourth step added. It would be inconceivable that the claims of the first group could be examined without a complete search and analysis of the three-step wagering process fully covered in the claims of Group II.

As can be readily seen again, there is absolutely no basis from the record alone for asserting that the claims should not be examined together.

CONCLUSION

The restriction requirement is in error and should be withdrawn. All claims should be allowed.

Respectfully submitted,

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